

### **REMARKS**

Claims 1-9 and 11-16 are pending in this application. Claims 1-9 and 11-16 stand rejected. Claim 10 was previously canceled. Applicants cancel without prejudice claims 14 and 16. Applicants amend claims 1, 5, and 12. Accordingly, after entry of this Amendment, claims 1-9, 11-13, and 15 will be pending for further examination.

#### **Amendments to the Claims**

Applicants amend claims 1 and 12 to remove unnecessary limitations, to include appropriate transitional language, and to clarify that at least 50% of the chromium oxide is in a bivalent oxidation state. Support for the amendment to claims 1 and 12 is found in the application as filed at least at page 4, lines 20-21 and page 6, lines 14-16.

Applicants amend claim 5 to incorporate the limitations of amended claim 1, from which it originally depended.

Applicants submit no new matter is introduced by the above amendments.

#### **Rejections Under 35 U.S.C. §112**

Claims 1-9 and 11-16 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Without acquiescing to the rejection, Applicants amend claims 1 and 12 to more particularly define the degree of reduction of the chromium, i.e., at least 50% of the chromium of the chromium oxide is in a bivalent oxidation state. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

#### **Rejections Under 35 U.S.C. § 102**

Claims 1-4, 6-9, and 11-16 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,013,595 to Lhost et al. ("Lhost").

Lhost does not teach or suggest a catalyst system produced by a process where the reduction of chromium is performed at a temperature within the range from 300°C to 500°C, as recited in independent claims 1 and 12. Instead, Lhost teaches the activation, i.e., oxidation, of a support impregnated with a group VIB metal compound at temperatures in the range of 400 to 1000°C. Reduction and activation are different processes. Lhost acknowledges the difference by

stating that the hexavalent metal may optionally be reduced at least partially following activation (see Lhost, col. 5, lines 54-62). Lhost provides no teaching or suggestion as to the temperature at which reduction should be performed. Accordingly, Applicants submit that independent claims 1 and 12 are novel and unobvious over Lhost and respectfully request reconsideration and withdrawal of the rejection.

Claims 14 and 16 have been cancelled without prejudice thereby rendering their rejection moot. Claims 2-4, 6-9, 11, 13, and 15 depend directly or indirectly from independent claims 1 and 12. Accordingly, Applicants submit that claims 2-4, 6-9, 11, 13, and 15 also are novel and unobvious over Lhost and respectfully request reconsideration and withdrawal of the rejection.

#### Double Patenting

Claims 1-2, 6, 8-9, and 12-16 are rejected under the judicially-created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 10 of U.S. Patent No. 6,541,581 to Follestad et al.

Without acquiescing to the rejection and to expedite allowance of the application, Applicants submit a Terminal Disclaimer and appropriate fee in compliance with 37 C.F.R. 1.321(c) to overcome the rejection.

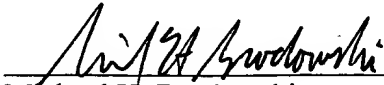
#### CONCLUSION

Based on the above amendments and remarks, Applicants submit that pending claims 1-9, 11-13, and 15 are in condition for allowance and respectfully request entry as such. If the Examiner believes that a conversation with Applicants' attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned attorney at (617) 248-7012.

Respectfully submitted,

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